

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CRUZ BAYLON and
MARIA CARMEN BAYLON,

Plaintiffs,

No. 1:12-cv-00052-MCA-KBM

v.

WELLS FARGO BANK, N.A.; and
MCCARTHY & HOLTHUS, LLP
d/b/a MCCARTHY, HOTHUS & LEVINE,

Defendants.

**DEFENDANT MCCARTHY'S SECOND SUPPLEMENTAL
RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS**

1. For each of these discovery requests, identify each person who contributed information to or answered that particular request.

Supplemental Response to Interrogatory #1: Stacy Van Pay assisted in preparing the responses, but did not contribute information to answer any of the Interrogatories with the exception of the abbreviations in response to Interrogatory #2.

2. For every abbreviation contained in McCarthy's account and collection notes produced in discovery, state what each abbreviation represents.

Supplemental Response to Interrogatory #2: Definitions for abbreviations used:

JUD = Judicial

NMS = Non-Military Service

mamarin = Margot Marin

MS – Matthew Silverman

rvw = review

o/c = opposing counsel



AK = Alex Keel

LM = Loss Mitigation

BK = Bankruptcy

egolding = Emily Golding

BRWS = Borrowers

katkins = Krystyna Atkins

kbari = Klaudia Barsi

rcook = Renee Cook

molenick = Michael Olenick

TS = Title Search

AOM = Assignment of Mortgage

GTD = Good Through Date

WF = Wells Fargo

LP = Lis Pendens

REIN = Reinstatement

airwin = Anne Marie Irwin Benavides

jrobinson = James Robinson

VS = Vendorscape

3. Identify all persons who were involved in any way, at any time, directly or indirectly, with McCarthy's efforts to collect the Debt from the Baylons. For each person, describe that person's job title, the division or department in which s/he works, and the person's role in the collection and activities undertaken.

Supplemental Response to Interrogatory #3: McCarthy did not make any effort to collect a debt. McCarthy's actions were limited to foreclosure of the Mortgage only.

Second Supplemental Response to Interrogatory #3: See Document No. BAY000856-858 on attached CD "WF Redacted – Documents for Production".

Employee Name	Job Title
AnneMarie Benavides	Judicial FC Manager
Andrei Juravle	JDF Assistant
James Robinson	Judicial Clerk
James Robinson	Judicial Clerk
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
James Robinson	Judicial Clerk
James Robinson	Judicial Clerk
AnneMarie Benavides	Judicial FC Manager
AnneMarie Benavides	Judicial FC Manager
Krystyna Atkins	Judicial Clerk Lead
Emily Golding	Judicial Clerk Lead
Bogdan Aldea	Judicial Clerk
Michael Olenick	Judicial Clerk
Michael Olenick	Judicial Clerk
Michael Olenick	Judicial Clerk
Michael Olenick	Judicial Clerk
Michael Olenick	Judicial Clerk
Renee Cook	Judicial FC Supervisor
Theresa Grasska	Judicial Clerk
Klaudia Barsi	Judicial Clerk
Klaudia Barsi	Judicial Clerk
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
Stacy Van Pay	Judicial Legal Assistant
Stacy Van Pay	Judicial Legal Assistant
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
Krystyna Atkins	Judicial Clerk Lead
Catalin Steop	Civil Assistant

RESPONSES TO REQUESTS FOR PRODUCTION

1. Produce all documents identified, referenced, or relied upon by McCarthy in responding to Defendant's Interrogatories and Requests for Admission.
2. Produce all documents that McCarthy may introduce or refer to in any proceeding in this matter.
3. Produce all documents regarding the collection of the Account by McCarthy. These documents include:
 - a. collection notes (debtor call notes);
 - b. the call log;
 - c. letter history log;
 - d. recording log;
 - e. account history;
 - f. all documents obtained from information databases, including Lexis-Nexis, Accolaid, and credit reporting agencies;
 - g. all documents transmitted to the creditor;
 - h. all documents transmitted to credit reporting agencies;
 - i. all documents received from the creditor;
 - j. all documents transmitted to the Baylons or to someone acting on behalf of the Baylons; and
 - k. all documents received from the Baylons or from someone acting on behalf of the Baylons.

Second Supplemental Response: See Spreadsheet and attached on CD "WF Redacted Summary Spreadsheet – Documents for Production".

4. Produce all contracts and agreements between Wells Fargo and McCarthy related to the

Account.

5. Produce all documents related to McCarthy's preparation of the Complaint.
 6. Produce all documents that concern training provided to McCarthy's employees for collection of consumer accounts.
 7. Produce all audio recordings of all conversations McCarthy or its employees or agents had with any person regarding the Account.
 8. Produce all documents concerning any conversations McCarthy or its employees or agents had with any person regarding the Account.
 9. Produce all policies in effect on September 1, 2009 or thereafter, pertaining to procedures to investigate whether a debt had been discharged in bankruptcy.
 10. Produce screen capture images, in color, of all information, including all menus and sub-screens, on McCarthy's computer system pertaining to the Account.
- Second Supplemental Response:** See Spreadsheet and attached on CD "WF Redacted Summary Spreadsheet – Screen Prints".
11. Produce all policies, procedures, guidelines, instructions, and training materials pertaining to what McCarthy expected its collectors to do to document their telephone calls, which were in effect for the time period from September 1, 2009 to August 24, 2011.

Supplemental Response to Request for Production #'s 1-11: See Privilege Log attached.

DATED this 26th day of October, 2012.

McCARTHY ♦ HOLTHUS ♦ LEVINE


By: _____

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Attorney for Defendant
McCarthy & Holthus, LLP, d/b/a
McCarthy, Holthus & Levine
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2012,
a copy of the foregoing was e-mailed and sent Federal Express to:

Charles S. Parnall
300 Central Ave., SW, Suite 2000 West
Albuquerque, NM 87102
cparnall@nmconsumerwarriors.com



Stacy Van Pay